



Appeal Decision

Site visit made on 12 October 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2023

Appeal Ref: APP/E2001/Z/23/3323599

The Barber, 78 Boothferry Road, Goole DN14 6AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Vivid Outdoor Media Solutions (B) Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/00215/PAD, dated 16 January 2023 was refused by notice dated 28 April 2023.
 - The advertisement proposed is: Display of a wall-mounted LED illuminated 48-sheet advertisement, measuring 6.2m wide x 3.2m high and comprising pressed metal frame with sealed LED screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has demonstrated that the appeal site has a previous history with advertisement boards in this location. However, these did not exist during the time of my site visit nor were they LED advertisement boards. Therefore, I have assessed this proposal on its own merit.
3. The Council has drawn my attention to the policies and guidelines it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the proposed advertisement on the visual amenity of the local area.

Reasons

5. The appeal site is located within the commercial centre of Goole and within the Goole Conservation Area (Conservation Area). I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality,

including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features’.

7. The appeal site is located on a gable wall of a commercial premises and situated on the boundary edge of Goole Conservation Area. The Goole Conservation Area Appraisal 2011 states that “the setting of the town centre is provided by commercial areas and housing”. From my site visit, the immediate character of the area I found is its commercial nature, with a variety of retail and professional premises visible in the street scene. Advertisements are visible within the Conservation Area, but these are predominantly fascia signs to advertise the commercial premises in this location. Some of these signs are illuminated, but these are small in scale.
8. The appellant does make the point that the proposed advertisement would face away from the Conservation Area. However, this is a highly visible location which can be seen several positions within the Conservation Area, the highway and Goole railway station in particular. Therefore, it is considered that the proposal affects the appearance of the Conservation Area in this instance.
9. The proposed development would be located in an area where large LED advertisement displays are not a common feature. The proposal would be a prominent addition and at odds with the existing situation. This would detract from the largely muted fascia advertisements to commercial premises found in the immediate vicinity. This would create a jarring addition to the street scene. The new LED advertisement display would result in an incongruous form of advertisement in this highly visible location. Therefore, harm to the visual amenity of the area would result. This would not preserve or enhance the character or appearance of the Conservation Area.
10. The appellant contends that the proposal would not be viewed from or seen in the context of a cluster of listed buildings which are not near to the appeal site. This is true. However, I consider that in this instance, the harm to the conservation area cannot be ignored due to the harm identified above.
11. I further note that the appellant has identified that this site has a history of advertisement boards. However, this was removed in 2018 and therefore I give this little weight. The previous advertisement board was in the Conservation Area when it was designated. However, this proposal would sit higher than the previous advertisement board and would be an LED illuminated display. Therefore, there is a clear difference between this proposal and the previous advertisements on this site.
12. My attention has also been drawn by the appellant to several previous decisions regarding LED advertisement displays in their Statement of Case for this appeal. I note that these examples are not located in a similar location by proximity or local authority area. I have considered the merits of these cases.
13. In the appeal example provided in Sheffield (Appeal Reference: APP/J4423/Z/22/3297917), the immediate vicinity is characterised by advertisements with totem signage, various commercial fascia signage and a

digital bus stop advertisement, as noted by the inspector in this particular decision. This is considered as different to this appeal due to the existing nature of large-scale advertisements in this example. In the examples in Stockport (Decision Notice Reference: DC/076054) and Rhyl (Decision Notice Reference: 45/2018/1155/AD) I consider that the information provided by the appellant highlights only a small snapshot of the area through the use of Google Streetview images. The appellant has also provided the Decision Notice, but not an Officer Report. Therefore, it is unclear as to what considerations were made in that decision by each local authority.

14. The appellant has suggested that the proposal would create a more sustainable method of roadside advertising, with efficiency in operating costs and flexibility in the display's capability. I note the benefits of this, however, I do not consider that these benefits would outweigh the harm outlined above to the conservation area.
15. I therefore conclude that the proposed LED advertisement display would be harmful to the visual amenity of the area. Consequently, the proposal would not preserve or enhance the Conservation Area and would result in an incongruous form that would not follow the requirements of Policies ENV1 and ENV3 of the East Riding Local Plan Strategy Document 2016 which requires proposals to respect the character and appearance of the area through their design and layout.

Other Matters

16. I note that the Council has referred to a lack of public benefit that would outweigh the harm found to the Conservation Area in their decision. The Framework makes it clear that advertisements are not development and therefore I have not considered this further.

Conclusion

17. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

J Smith

INSPECTOR